

# Consumer Alert

## *Domestic Violence and Insurance*



Mike Kreidler  
Washington  
Insurance Commissioner

---

*July 2003*

In April 1998, the Washington legislature passed a [law](#) prohibiting insurance companies from discriminating against victims of domestic abuse.

Under this law, insurance companies can not deny or refuse to accept an application for insurance from a consumer because they have been or may be a victim of domestic abuse.

They also may not refuse to renew, cancel, restrict, or otherwise terminate a policy or charge a different rate for the same coverage because the consumer has been, or may be a victim of domestic abuse.

Insurers can still exclude losses caused by intentional or fraudulent acts of an insured, and they may investigate any claim. However, they are barred from using this exclusion to deny an insured's otherwise-covered property loss if the property loss is caused by an act of domestic abuse by another insured under the policy.

In order for an innocent co-insured to be exempt from the exclusion after filing a claim they must:

- File a police report
- Cooperate with any law enforcement investigation relating to the act of domestic abuse

In addition, they must NOT have cooperated with the perpetrator or contributed to the property loss.

Any settlement of the claim may be limited to the innocent co-insured's insurable interest in the property minus payments made to a mortgagee or other party with a legal secured interest in the property.

The insurer may choose to seek repayment from the person found liable for the property loss.

Under this law, domestic abuse is defined as:

- Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault between family or household members.
- Sexual assault of one family or household member by another.
- Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.
- Intentionally, knowingly or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another family or household member.

---

*The Office of the Insurance Commissioner is a state consumer protection agency offering free advocacy services to insurance consumers. If you would like assistance in settling a dispute with your insurance company or if you have questions about insurance coverage, contact the OIC consumer hotline at 1-800-562-6900. For additional information about your rights and OIC activities visit our web site at [www.insurance.wa.gov](http://www.insurance.wa.gov).*